

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

FEB 09 2007

FASTER FORM CORP.,

LAWRENCE K. BAERMAN, Clerk  
UTICA

v.

Plaintiff,

5:03-CV-1208

FISCH WHOLESALE FLORIST, INC., and  
FLORAL SUPPLY SYNDICATE, INC.,

Defendants.

APPEARANCES:

HARRIS BEACH, P.L.L.C.  
Attorneys for Plaintiff  
99 Garnsey Road  
Pittsford, New York 14534

OF COUNSEL:

BRIAN LAUDADIO, ESQ.

GOTTLIEB, RACKMAN, & REISMAN, P.C.  
Attorneys for Defendants  
270 Madison Avenue  
New York, New York 10016

RICHARD S. SCHURIN, ESQ.

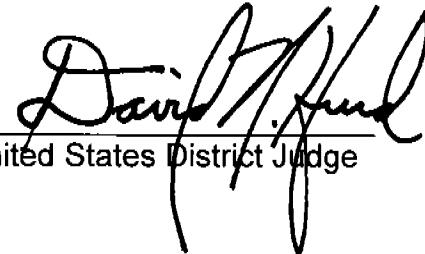
DAVID N. HURD  
United States District Judge

ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on February 9, 2007, in Utica, New York, it is hereby

ORDERED that defendants' motions to preclude the testimony of plaintiff's expert, L. Michael Fitzgerald, and for summary judgment are DENIED.

IT IS SO ORDERED.

  
United States District Judge

Dated: February 9, 2007  
Utica, New York.